

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN JAMES HENDERSON,

Defendant.

CR 12-73-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Jonathan Henderson (Henderson) has been accused of violating the conditions of his supervised release. Henderson admitted all of the alleged violations. Henderson's supervised release should be revoked. Henderson should be placed in custody for 6 months, with 31 months of supervised release to follow. Henderson should serve the first 2 months of supervised release in a secure inpatient drug treatment facility.

II. Status

Henderson pleaded guilty to Possession with Intent to Distribute Methamphetamine on April 10, 2013. (Doc. 26). The Court sentenced Henderson to 90 months of custody, followed by 4 years of supervised release. (Doc. 33).

The Court reduced Henderson's term of custody to 70 months pursuant to 18 U.S.C. § 3582(c)(2) on May 27, 2015. (Doc. 41). Henderson's current term of supervised release began on April 30, 2020. (Doc. 76 at 2).

Petition

The United States Probation Office filed an Amended Petition on December 2, 2021, requesting that the Court revoke Henderson's supervised release. (Doc. 76). The Amended Petition alleges that Henderson violated the conditions of his supervised release: 1) by using methamphetamine on two separate occasions; 2) by failing to maintain full time employment; and 3) by failing to notify his probation officer of a change in residence.

Initial appearance

Henderson appeared before the undersigned for his initial appearance on the Amended Petition on December 7, 2021. Henderson was represented by counsel. Henderson stated that he had read the petition and that he understood the allegations. Henderson waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on December 7, 2021. Henderson admitted that he had violated the conditions of his supervised release:

1) by using methamphetamine on two separate occasions; 2) by failing to maintain full time employment; and 3) by failing to notify his probation officer of a change in residence. The violations are serious and warrant revocation of Henderson's supervised release.

Henderson's violations are Grade C violations. Henderson's criminal history category is II. Henderson's underlying offense is a Class B felony. Henderson could be incarcerated for up to 36 months. He could be ordered to remain on supervised release for up to 37 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

III. Analysis

Henderson's supervised release should be revoked. Henderson should be incarcerated for 6 months, with 31 months of supervised release to follow. This sentence is sufficient but not greater than necessary. Henderson should serve the first 2 months of supervised release in a secure inpatient drug treatment facility.

IV. Conclusion

The Court informed Henderson that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Henderson of his right to object to these Findings and Recommendations

within 14 days of their issuance. The Court explained to Henderson that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Henderson stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Jonathan James Henderson violated the conditions of his supervised release: by using methamphetamine on two separate occasions; by failing to maintain full time employment; and by failing to notify his probation officer of a change in residence.

The Court **RECOMMENDS:**

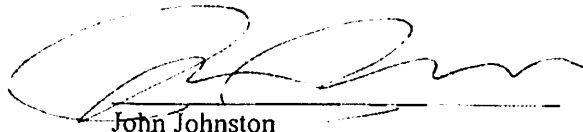
That the District Court revoke Henderson's supervised release and commit him to the custody of the United States Bureau of Prisons for 6 months, with 31 months of supervised release to follow. Henderson should serve the first 2 months of supervised release in a secure inpatient drug treatment facility.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations

to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 8th day of December, 2021.



John Johnston
United States Magistrate Judge